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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,418	12/15/2003	Michael Boucher	7175-74059	3977

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EXAMINER

BAXTER, GWENDOLYN WRENN

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/736,418

Applicant(s)

BOUCHER ET AL.

Examiner

Gwendolyn Baxter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

This is the third office action for serial number 10/736,418, Arm board Assembly, filed on December 15, 2003. This application is a continuation application, 09/802,441, filed March 9, 2001, now patent 6,663,055 B2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,802,641 to Van Steenburg in view of U.S. Patent No 1,516,795 to Schwarting. Van Steenburg teaches an apparatus for supporting a patient's limb relative to a patient support device (180). The apparatus comprises a mount (186, 188), a rod assembly (20a, b, 30a, b), a limb support (200, 202) and a support assembly (208-214). The mount is adapted to be coupled to the patient support device. This mount further includes a block (186, 188) adapted to be coupled to the patient support device (180, 182, 184). A post (34a, 34b) is coupled to the block for vertical movement and a handle (190, 192) is movable relative to the block to lock the post from moving vertically. The rod assembly includes an elongated rod (20a, b) coupled to a lockable swivel joint (120, 122). The lockable swivel joint is coupled to the mount and configured to permit movement of the elongated rod relative to the mount about a plurality of axes (72a, b, 32a, b). The limb support (200, 202) is configured to support the patient's limb. The support assembly is coupled to the limb board and coupled to the elongated rod. The elongated rod includes a first

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end coupled to the first recited swivel joint (near 120) and a second end (near 84a, b) is spaced from the first end. The rod assembly includes a handle (181, b) positioned adjacent the second end. The handle is coupled to the first recited swivel joint and movable between a first position in which the first recited swivel joint is locked and a second position in which the first recited swivel joint is unlocked. The first recited swivel joint is unlockable to permit simultaneous movement for the elongated rod about the first recited plurality of axes. The first recited swivel joint is lockable to prevent the elongated rod from moving about the first recited plurality of axes. However, Van Steenburg fails to teach an arm board and a support assembly including a lockable swivel joint configured to permit movement of the arm board relative to the elongated rod about a plurality of axes.

Schwarting teaches an apparatus for supporting a patient's arm relative to a patient support device. This apparatus comprises a mount (7-15, 17), a rod assembly (20), an arm board (29) and a support assembly (22-25, 27, 31). The arm board is configured to support the patient's arm (page 2, lines 92-101). The support assembly is coupled to the arm board and coupled to the elongated rod (20). The support assembly includes a lockable swivel joint configured to permit movement of the arm board relative to the elongated rod about a plurality of axes. This lockable swivel joint is considered to be the second- recited swivel joint and is a ball joint. The support assembly includes a support coupling the ball joint to the arm board. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the limb support and support assembly as taught by Van Steenburg to have incorporated the arm board and support assembly as taught by Schwarting as mere substitution of functional equivalent parts for the purpose of providing ample adjustment to meet the varying

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requirements of different types of positions of the patient and corresponding changes in the application of the supporting means.

Regarding claim 24, Van Steenburg in view of Schwarting discloses the invention except for the radiolucent material of the arm board. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the arm board from a radiolucent material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as matter of obvious design choice.

Response to Arguments

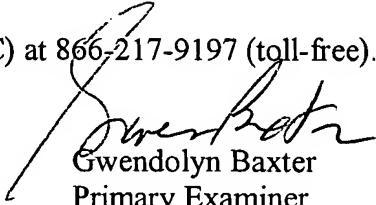
Applicant's arguments with respect to claims 19-29 have been considered but are moot in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 571-272-6814. The examiner can normally be reached on Monday-Wednesday, 8:30am -4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gwendolyn Baxter
Primary Examiner
Art Unit 3632

August 2, 2005